

~~In the United States District Court
For the District of Puerto Rico~~

Elder Santana Baez
Petitioner
V.

Civil No.:

25-cv-1228 (JAE)

Francisco Quiñones Rivera;
Janet Bana Mercado; Andrés
Martínez Colón and Víctor Maldonado
Vázquez; and Myrna Negriñ Quiles

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Respondents

Civil Action

To the honorable Court:

Come to this court the petitioner by proper own and performing:

I. Introduction

This honorable court have a jurisdiction to offend this action civil in virtue of the Federal constitution, laws and rules of United States and Treaties, 28 U.S.C., sec. 1331 et seq.; 42 U.S.C., sec. 1983, Prison Litigation Reform Act of 1996, anti-terrorism and effective death penalty Act of 1996. Mr. Francisco Quiñones Rivera, is a secretary of correction in Puerto Rico (PR), he have the unconstitutional regulation for input discipline for every prisoner's that input the 147 code by Rule 15.

Ms. Janet Bana Mercado is a designated secretary of department of justice in PR. The government permit this unconstitutional activation for Mr. Quiñones, when the she's work ~~is~~ guarantee the right's to every peoples in PR.

Mr. Andres Martínez Colón is a official examiner, he see the Administrator trial's, for the he's work, he need a guarantee and grant a civil right's and constitution right's in PR- and the Federal Constitution in the process administrative's.

Mr. Víctor Maldonado Vázquez is a superintendent in anexo 501 in Bayamon PR. This institution is for security protective prisoners. This petitionari is judicial and administrative unfitness, and he know that situation, and forgot my security and he permit my traslate to other institution with gang's. But, in the Anexo 501 he can permit me both in for a space in the maxime custody, because is for security.

II. First Cause of Action

1- In December 31, 2024 the correctional Yanira Ruiz Herrera, come with letters for postal service, in the she's hands, come with the letter and she call me for legal cards, when she open the card, go down one sim card, for cell phones, one bluetooth and cable for phone charger, and other card with similar accessories. Other officer of custody "Perez" occupied the audience.

2- For the situation, by order of Mr. Victor Maldonado, she presented a complain report No. 215-05-001, when input the violation of code 109 he said, "possession, distribution, use or sales, or introducing phones accessories. And input the code 147, this unconstitutional code said:

"147. In ~~contact~~ use of the postal service for illegal profits or its intention it's prohibited to use the postal service for those profits or fines among the established in this rulement, independently there's concealment of the item that's in the bag or box at the hour of the recipient of the postal service"

3- The ~~letter~~ have outside the name a lawyer Leda Mercedes Beato, the person as send me this card, use the name of my last girlfriend. The officer ^{was} input in here under arrest for one package with contraband. She not can comin in here for visit or letter for this problem.

4- In the court for these case, go down because the officer Michael Rivera Colon admit he put the contraband in the she's package. Only this officer know the she's name.

5- This code 147 is the only prevail in the hearing. For the other code 109, is not guilty. But, the code 147 not granted my constitutional right in the federal constitution about my presumption of innocence, because for quit my privileges is doing with clear violation in my federal constitutional right.

6- Mr. Francisco Quinones know the clear violation made to the

prisoner's right's and he not doing nothing, don't stop this activities for save rights.

7- And, with this unconstitutional practice about this code 147 they's quit me my minimum custody, move me for not going to the community program, not can goin to passes, I don't can receive visit, ~~better~~ recreation and move me to other prison with maxime custody. Wow. Everythin by one unconstitutional code. Every this is illegal to my person, because they's based a unconstitutional procedures.

8- Mr. Francisco Quiñones, about the his regulationation, not respect my eight amendment, six amendment and Fourteen amendment of federal constitution, about my presumption of innocence in the administrative procedure's.

III - Second cause of Action

9- Ms. Janet Serna do not obey the law she need obey in PR- Jim's- action. But, she permit a violation of constitutional rights for Mr. Quiñones regulationation, and she's defend's to him when him violated the rights.

10- This code 147 is unconstitutional yes or yes. But, an inmates constitutional right's are not violated by the imposition of a penalty in the jail. Because, the article Art. II, sec. 11 of Puerto Rico constitution and the six amendment of federal constitution of United States, granted my right to innocence presumption.

11- The text of code 147 not provide other course of action, only guilty. My presumption of innocence never was here. And the Federal supreme court sayin "It is a clear now, however, that the protections accorded by the due process clause of the Fifth amendment or the due process and equal protection clause of the Fourteenth amendment apply to residents of Puerto Rico" (Ramos v. Louisiana, 590 US - , 2020)

12- Francisco Quiñones and Janet Pina, process the petitioner with one code unconstitutional, very contrary to a constitutional democracy of United States, not forgive by a public law 600, "recognizing the principle of government by consent" authorized the island's people to elect their own governor, and "organize a government pursuant to a constitution of their own adoption" (Act of July 3, 1950, see, 1, 64 Stat. 319; commonwealth of PR V. Sanchez Valle, 579 US 59, 2016) And now, with this power, Mr. Quiñones and Pina, block my constitutional right by his regulation. For they's only with in administrative procedures, because the 147 code not granting my presumption of innocence, sacrifices my rights.

IV. Threats civil action cause

13- The president Kennedy in 1961 circulated throughout the executive branch a memorandum that said:

"... All departments, agencies, and officials of the executive branch of the government should faithfully and carefully observe and respect this arrangement in relation to all matters affecting the commonwealth of Puerto Rico"

(26 Fed. Reg. 6695.)

14- In front of Mr. Andrés Martínez Colón by TV monitor in the hearing, I present my defense, I say to him I not have nothing with this. And the his resolution, he concluded not guilty in code 109, and guilty in code 147. The text language of this code is unconstitutional, and he not respect my right and guarantee Federal's, he most deliberate indifference, because he know the code 147 is unconstitutional. He this, he broke my right to. Contrary to the stipulation of Morales Feliciano category 3

15- Mr. Andrés Martínez and the others co-defendants forgot to observe and respect this arrangement in relation with United States, in clear violation to the Federal Constitution of United States. The eighth amendment applies to prisoners and insures that they will not be subject to cruel and unusual punishment (Hudson V. Palmer, 468 US 517, 104 S.Ct. 3194, 82 L. Ed. 2d 393

1984)

16- Including punishment in the enforcement of prison discipline (Rhode v- Chapman, 452 US 337, 101 S. Ct. 2392, 69 L. Ed. 2d, 59, 1981) for this motive, Mr. Andres Marfínez and Myrna Negron she is my social work, them send me a maximum custody, when I live near to anexus 501. They remove me the refer to go get out to a communiti program all through an unconstitutional process.

17- But, Mr. Andres Marfínez, when him emit the resolution, he approval a unconstitutional code 147, him in proper person to acknowledge "the legal act is to shape independently theres concientment of the item in the larger box of the holder of the reciment of the postal service".

18- We accept the reglamentation to compel to declare guilty ever by this code 147, because that was said the reglamentation. The Only option to have him by the reglamentation is guilty, no other.

19- This is homonitic for the democracy is this island. Is a dictatorial rule. This code not created by Buckle, is in Puerto Rico. The democracy in Puerto Rico with this code promoted by defendants, is dead. Never Andres Marfínez was a impartiality in administratives procedures, he not to respect my constitutional rights

V. Four Cause of Action

20- I am a witness in the actuality, and Mr. Victor Maldonado Vazquez know that detail, and he not make nothing for prevent, to retain me in the protective jail he administre, in the level maximum custody, he permit that Myrna Negron send me to green Monster Jail in Bonce RA, in there the prisoners to detect me, and the Director's make me in 18 hours most later to segregation to anexus 501 Bayamon.

21- Nobody in here protect my life, for this code all personnel and officers, rejected my personality. This is demonstrative they defendants is strange.

22- This man play with my life. He can't be able retain me in maximum in the annexus 501 in own, because in the annexus 292 that day 12 March, 2025 no have space for me, and they's put me in segregation in annexus 501, for the next day send me to annexus 292, but, in segregation or maximum he can put me for my security, and never doing nothing.

23- For this unconstitutional issue, I prayer of this court, the defendant's have to censure to indemnification to remedie, to Five Millions dollars and give me back my minimum custody, and send me my refer back again to a community program

24- Our judicial system zealously guards the attempts of gross litigants in their own behalf. We are required to construe liberally a gross complaint and may affirm its dismissal only if a plaintiff cannot prove any set of facts entitling him or her to relief. (Ahmed V. Rosenblatt, 118 F. 3d 886).

VI. Prayer For Relief

For the foregoing reasons, and such others as my civil action to this court, Mr. Santana respectfully request's that this court:

- a) The defendant's pay me How to indemnification Five Millions Dollars \$ 5,000,000,00 to indemnify
- b) Emit order to move me back to minimum custody level; and
- c) Give me back my privileges to refer to a program's
- d) Grant such other relief as my be appropriate to dispose of the matter as law and Justice require. 28 U.S.C. Sec. 2243

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